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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/987,795 | 11/16/2001 | Nobuyuki Teraura | 11-072 | 7709 |

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EXAMINER

BUTLER, MICHAEL E

ART UNIT PAPER NUMBER


3653

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

| | | |
|--------------------------------------|---------------------------------------|---|
| Application No. 09/987,795 | Applicant(s) Teraura et al. | |
| Examiner Michael E. Butler | Art Unit 3653 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 16, 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3,5,6 6) ☐ Other:

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DETAILED ACTION

Restart Response Period

1. In accord with the interview with applicant's representative David Posz concerning on the omitted IDS, and clarification on the drawing status, confirmation that the German language Dreher et al. reference identified by lead inventor in the office action is the same reference unidentified by name on the 1449 but identified on the foreign search report by assignee Volkswagen, and clarification on the status of claim 16 addressed in body of rejection, in the interest of clarity, the office action is resent with restart of response period.

Priority

2. Applicant's claim of priority to application 2000-359338 filed 11/27/2000 in Japan is acknowledged.

Drawings

3. The drawings are acceptable.

IDS

4. The initialed IDS has been included.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States

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- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-2, 4-6, 8-11, 13-15, and 17-18 are rejected under 35 U.S.C. 102(b) as

being anticipated by Tatsuya '692 which discloses the elements claimed including:

(Re: cl 10) a method and a physical distribution control system comprising: sites for receiving, forwarding and delivering a freight (c6 L 35-65); recording means for recording position data including latitude and longitude data of destination of freight on a recording medium provided to freight (c6 L 35-65); and control means for controlling physical distribution system on the basis of position data to receive, forward, and deliver freight (56);
(Re: cl 1) recording position data including latitude and longitude; data of destination of a freight on a recording medium provided to freight; and controlling physical distribution on the basis of position data to deliver freight (c6 L 35-65);
(Re: cl 11,2) receiving via receiving means for receiving address of destination through a communication network and converting means for converting address into position data to record position data on recording medium (c13 L 57-c 14 L 16);
(Re: cl 13, 4) reader for reading position data on recording medium; converting via converting means for converting position data read by reader into language data in a language used at an area where one of sites exists and indicating means for indicating position data with language data (c4 L 60-65; c6 L 4-16; 52);
(Re: cl 14,5) reader for reading position data on recording medium; converting via converting means for converting position data into language data in a language used at an area of one of sites dealing with freight; and indicating positional data with language data (c4 L 60-65; c6 L 4-16; 52);
(Re: cl 15,6) recording medium comprises an at least write once read memory, and each of sites includes: a reader for reading position data on recording medium; and recording via recording means for recording another position data of a place where position data is read, another position data includes another latitude and longitude data (c12 L 35-45);
(Re: cl 17, 8) sites include: delivering with deliverers, each includes: a map displaying unit and a GPS unit; converting means for converting position data from recording medium into map position data; and displaying with displaying means for displaying a present position from GPS unit and map position data on map displaying unit (c9 L 64-c10 L 34);
(Re: cl 18,9) sites include: deliverers, each includes: a reader for reading position data and a GPS unit; comparing with comparing means for comparing position data with present position data from GPS unit when freight is handed; and outputting via outputting means for outputting a result of comparison (c9 L 64-c10 L 34).

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Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-6, 8-15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsuya '692 in view of Dreher et al. discloses:

(Re: cl 12.3) converting via converting means converts a position of a gate at address into position data (col. 6)

It would have been obvious at the time of the invention for Tatsuya '692 to convert gateway position because the mobile units need transport to a gateway to exchange data and goods as taught by Dreher et al..

9. Claims 1-2, 4-11, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatsuya '692 in view of Speasl et al. discloses:

(Re: cl 16,7) position data further includes altitude data of destination (c13 L 1-16).

It would have been obvious at the time of the invention for Tatsuya '692 to convert gateway position because the mobile units need transport to a gateway to exchange data and goods as taught by Speasl et al..

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.

Michael E. Butler

Michael E. Butler
Examiner

Donald F. Walsh
DONALD F. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600